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TAGS: [PREL](#) [PGOV](#) [ASEC](#) [SNAR](#) [KCRM](#) [KJUS](#) [SOCI](#) [BK](#)  
SUBJECT: BOSNIA: FY09 INL-MANAGED SEED-FUNDED LAW  
ENFORCEMENT AND CRIMINAL JUSTICE PROJECT PROPOSAL (PART II  
OF II)

REF: A. SARAJEVO 954  
[B](#). STATE 53341

Below follows the continuation of the Bosnia--FY09  
INL-Managed SEED-Funded Law Enforcement and Criminal Justice  
Project Proposal. See Ref A for Part I:

[11](#). (U) Title: Management of Police Development, Training and  
Restructuring Project (\$614,742)

Background: This project component provides the services of a  
Senior Program Advisor and a Legal Advisor for the Management  
of the Police Development, Training, and Restructuring  
Project intended to improve the professionalism of BiH law  
enforcement by conducting specialized training and providing  
technical assistance, which enhances police administration  
and management competencies.

Goal: To increase the capacity of local law enforcement  
agencies to investigate complex crimes, including terrorism  
by conducting specialized training, providing technical  
assistance and providing management oversight. Improve the  
overall quality, professional competence and economical  
sustainability of BiH police forces. To improve knowledge,  
skills and abilities of all senior level police managers  
within the future BiH state policing administration and  
management.

Project Description: ICITAP provides a Senior Program Advisor  
to assist the Program Manager in coordinating project  
components to ensure the overall program runs smoothly and  
efficiently. The Senior Program Advisor recommends new  
legislative policies and procedures which will improve the  
ability for law enforcement agents to identify and pursue  
offenders of crime and will strengthen Bosnia-Herzegovina  
judicial and law enforcement institutions for sustained and  
effective action against criminal activity, including  
narcotics and human trafficking, money laundering, public  
corruption, organized crime and terrorism. The Legal  
Advisor advises the Program Manager on law enforcement legal  
issues and is responsible for identifying existing weaknesses  
with regard to legal process that directly or indirectly  
effect Bosnian Law Enforcement Agencies from carrying out  
their duties in an efficient and effective manner. The Legal  
Advisor, in conjunction with OPDAT RLA, the Ministry of  
Security, and the local legal drafting working groups, will  
also provide recommended changes to existing law enforcement  
rules, regulations and laws governing Data Protection, the  
sharing of data and ownership of data issues within the  
auspices of the Ministry of Security. The aforementioned  
biometrics project will require significant changes to local  
laws. The Advisor will work with other ICITAP Advisors where  
their duties cross into the area of training, assisting with  
the development of curricula, selection of appropriate  
participants and scheduling of classes.

Performance Indicators:

--Percentage increase in number of police throughout BiH trained on Criminal Procedure Code (CPC) derivative subjects.  
--Percentage increase in numbers of officers who can logically and satisfactorily provide basic police services, such as protection of persons and property, in addition to investigation and apprehension of criminals.  
--Number of local laws for which amendments have been drafted to improve the legal framework for functionality of state-level police agencies.

**Sustainability:** By helping to lay the legal framework and establish a cadre of highly trained personnel, this project will leave BiH law enforcement agencies able to conduct undercover operations; surveillance; interviews and interrogations; courtroom testimony; management functions of budgeting and long-range planning; computer crime investigations; counterterrorism activities such as identifying and controlling WMD precursors and other hazardous materials; and to apply criminal codes and criminal procedures appropriately without assistance.

**Timeline:** Complete development of BiH state-level law enforcement agencies should be sustainable by CY2012; however several agencies will be graduated from the program before that time.

**Evaluation:** The Program Manager, through daily interaction with the Senior Program Advisor and the Legal Advisor, will ensure that program goals and targets are met on-time and within budget and that all components of the program are being run in accordance with USG and ICITAP guidelines.

112. (U) Title: Resident Legal Advisor (\$820,000.00)

**Background:** From 2000-20004, the judiciary underwent a series of reforms, including the creation of new state-level judicial institutions (the High Judicial and Prosecutorial Council, the State Court, and the State Prosecutor's Office), the re-vetting of all judicial staff and some replacement of staff, and the passage of new legislation. In 2003, the state-level judiciary received new criminal and criminal procedure codes that grafted aspects of an adversarial legal system to the existing civil and Yugoslavian codes. While the judiciary made significant progress since that time, it still faces significant deficiencies, and public confidence in its efficiency and effectiveness remains low. The judiciary is also the target of rhetorical attacks by some politicians wanting to advance their own narrow political agendas rather than offer constructive criticism and support for the rule of law. In addition to this, the judiciary is currently undergoing a second phase of reforms with the implementation of the National Justice Sector and the National War Crimes Strategies. It will play a major role in advancing Bosnia's bid for EU accession since it will need to demonstrate that it can effectively prosecute and adjudicate crime, especially organized crime, financial crime, corruption, and human trafficking. The judiciary will also need to enforce all the new legislation that will be required for the acquis.

**Goal:** To increase the capacity of the judiciary to prosecute and adjudicate war crimes, organized crime, corruption, terrorism, and human trafficking by providing training, educational opportunities through study trips, and technical assistance. Improve the overall quality, professional competence and efficiency of the judiciary.

**Project Description:** The Resident Legal Advisor determines which training programs and educational opportunities she should provide based on discussions with managers, the heads of the Judicial Training Center, expert reports, and requests from other experts, including international judges and prosecutors working at the State Court and the State Prosecutor's Office. She conducts training, ensuring that programs are in line with Mission goals. She interacts with ICITAP and other bilateral (EU member states) as well as

multilateral educational providers (European Commission, OSCE, UNDP) to reduce duplication and to seek opportunities to present programs jointly to reduce costs. She will participate in working groups considering amendments to existing legislation or new legislation to ensure that they will improve the work of the judiciary and its ability to prosecute and adjudicate criminal cases. She will advise the Ambassador and other sections within the Embassy on legal issues of interest to the USG, participate in the Security Working Group, and work closely with the Political Section to ensure that OPDAT programming advances Mission and broader USG goals.

**Performance Indicators:**

- Percentage increase in the number of personnel trained by OPDAT.
- Percentage increase in the number of assets forfeited.
- Percentage increase in the amounts assessed in fines.
- Percentage increase in the number of war crimes and organized crime cases investigated and prosecuted.

**Sustainability:** OPDAT ensures that the training provided becomes sustainable by identifying and providing individuals who have received training to participate in "train the trainer" classes so that they can create a multiplying effect by teaching what they have learned to others. OPDAT is also including trainers identified by the Judicial Training Centers to be certified in their field to attend all training programs so that these trainers can acquire new skills or take refresher courses in their specialty, as well as use the USG provided trainers as resources.

**Timeline:** We expect that training of the judiciary will be needed for some time given the need to boost its capacity to process war crimes cases and to further build needed skills to investigate and prosecute complex terrorism, organized crime, and corruption cases. It is also likely that the judiciary will continue to require OPDAT's assistance until it achieves EU standards. The Bosnian government has said that it plans to have all institutions, including the judiciary, become EU-ready by 2014.

**Evaluation:** OPDAT always provides evaluation questionnaires to all of the participants in its programs and gives them serious consideration for future programming. In addition, OPDAT staff has constant interaction with senior management

both at the State Court and the State Prosecutor's Office as well as contact with the heads of the Federation and the RS Judicial Training Centers and other managers who all provide feedback, which, whenever necessary, are incorporated into future programming.

113. (U) Title: Interim RLA (\$600,000.00)

**Background:** The State Prosecutor's Office, established in 2002, has one of three of Special Department, the Department for Organized Crime (SDOC), which is tasked with investigating and prosecuting the country's most complex and egregious organized crime, financial crime, corruption, terrorism, and human trafficking cases. Since 2003, it has been staffed with international prosecutors; the program is legislatively-mandated to conclude by December 2009. These international secondees have added to the department's knowledge and expertise and have put into place needed policies and practices, such as the creation of new case selection criteria. However, much of their time has been spent prosecuting cases rather than building capacity. The department continues to require technical assistance, particularly with regard to terrorism cases, with which Bosnian officials have had little experience. The department will also need to continue to make strides given the importance the EU attaches to the fight against organized crime and corruption.

**Goal:** To increase SDOC's capacity to investigate complex organized crime, financial crime, corruption, and human

trafficking as well as terrorism cases by advising and mentoring SDOC staff and the investigators with whom they work.

**Project Description:** The Interim RLA will advise and mentor SDOC staff working on two terrorism cases of importance to the USG through daily, on-site contact with them. The Interim RLA will also assist in developing longer-term strategies to build the capacity of SDOC to combat terrorism, which can also be used to prosecute complex organized crime, financial crime, corruption, and human trafficking cases. The Interim RLA will bridge the gap between the formal classes being taught and actual cases by mentoring the prosecutors, police, and legal officers to ensure that the methodology and practical exercises taught are moving from paper to practice. He/she will advise the head of SDOC and the State Prosecutor and serve as a point of contact with LEGATT and other Embassy resources that could provide technical assistance or information in support of the prosecution of the two cases. He/She will also promote better police-prosecutor cooperation to increase the likelihood of successful prosecutions.

**Performance Indicators:**

- Increased percentage of terrorism and OC cases, investigated and successfully prosecuted with nationals taking the lead.
- Improved police-prosecutor cooperation, which begins with the opening of the investigation and continues throughout the trial.

**Sustainability:** The Interim RLA will develop a collection of best practices to be used as a resource book for prosecutors and legal officers working on terrorism and other cases.

**Timeline:** Given the importance of its work, the level of corruption in Bosnia and Herzegovina, and the constant pressures placed on the section by political forces, we expect SDOC will continue to need assistance especially if the international judges and prosecutors in the OC section leave BiH in 2009. SDOC, like other judicial offices and government offices, is supposed to become EU-ready by 2014.

**Evaluation:** The second RLA will receive feedback regarding his/her input through his/her constant interaction with legal officers, prosecutors, investigators, and managers. He will also observe the behavior of the individuals he/she is advising to determine whether they are using that which was taught in OPDAT workshops and the on-site mentoring provided.

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